

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) **CRIMINAL NO. 04-10032-GAO**
)
JOAN REYES-SANTANA)

GOVERNMENT'S REQUESTED QUESTIONS FOR THE JURY VENIRE

The United States of America hereby requests that, in addition to those questions commonly put to the venire in cases commenced in this Court, the Court pose the following questions to the prospective jurors in this case:

1. The United States of America is one of the litigants in this trial. You will hear the United States referred to throughout the trial as "the government." Have you, or any member of your immediate family, or anyone with whom you are close:

(a) ever answered charges (other than for an alleged moving traffic violation) in a criminal proceeding?;

(b) ever filed a lawsuit or claim of any kind against any police or other law enforcement officer?;

(c) ever engaged in litigation with the federal government, that is, ever filed a claim or lawsuit against the United States or any of its agencies, or answered some claim made against you by the federal government?

(d) ever had any involvement, of any sort, with the Drug Enforcement Administration, known as the "DEA"?

(e) ever had any involvement, of any sort, with the

Lawrence Police Department, the Massachusetts State Police, or the Federal Bureau of Investigation?

(f) ever been falsely accused of a crime or of any wrongdoing or been treated in what you consider to be an improper manner by a law enforcement agency?

2. Aside from these particular circumstances, are you aware of any prejudice which you may have against the government which would in any way impair your ability to evaluate and judge fairly and impartially the facts of this case?

3. Some of the witnesses expected to be called by the United States at trial are Special Agents or Intelligence Analysts of the Federal Bureau of Investigation and law enforcement officers who work for the Lawrence Police Department and the Massachusetts State Police. These law enforcement officers may be called to testify as both "fact" witnesses and as "expert" witnesses. As experts, they may be called to give their expert opinion as to certain matters in this case calling for specialized knowledge and skill, such as narcotics investigations.

Are you aware of any prejudice that you might have against a witness or other individual in this case where that witness or individual is shown to be a law enforcement officer?

4. Some of the testimony in this case will be offered by individuals who used or sold heroin or other illegal drugs. Have you, or any of member of your immediate family, or anyone with whom you are close:

a) ever been addicted to or developed physical, emotional or other problems associated with the use of heroin or other illegal drugs?

b) known anyone who has been adversely affected by the actions of a drug user or drug dealer?

5. Would your ability to sit as a fair and impartial juror in any way be affected if one or more witnesses who testify in this matter are former users or sellers of illegal drugs? ¹

6. Are you willing and able to completely and honestly apply the law, as I give it to you at the end of the case, to the facts as you find them? Do you know of any reason why you cannot sit as a fair and impartial juror in the trial of this case?

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

BY: /s John A. Wortmann, Jr.
JOHN A. WORTMANN, JR.
Assistant U.S. Attorney

Dated: September 6, 2004

¹ See United States v. Devery, 935 F. Supp. 393, 402-403 (S.D.N.Y. 1996), aff'd. by United States v. Torres, 128 F.3d 38 (2nd. Cir), cert. denied by Rivera v. United States, 523 U.S. 1065 (1998)(court posed questions to prospective jurors regarding government witnesses expected to testify that they were dealing drugs or that they committed other crimes and excluded jurors who indicated that they could not fairly and impartially consider the testimony of a drug dealer).

CERTIFICATE OF SERVICE

SUFFOLK, ss

Boston, Massachusetts
September 6, 2004

I, JOHN A. WORTMANN, JR., Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing Government's Requested Questions For The Jury Venire to counsel of record for Joan Reyes-Santana.

/s John A. Wortmann, Jr.
JOHN A. WORTMANN, JR.
Assistant U.S. Attorney